

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ROBERT H. SUL,

Petitioner,

V.

WARDEN W.T. TAYLOR,

Respondent.

CASE NO.:

2:15-cv-1208-VEH-SGC

MEMORANDUM OPINION AND ORDER

The Petitioner has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, alleging that the Supreme Court's decision in *Johnson v. United States*, 135 S. Ct. 2551 (2015), renders his federal sentence for a conviction of being a felon in possession of a firearm invalid. (Doc. 1). In an Order dated June 3, 2016, the magistrate stated:

[I]t is **RECOMMENDED** that this action be re-characterized as a request for leave to file a successive petition brought pursuant to 28 U.S.C. § 2255. It is **RECOMMENDED** that the Clerk be ordered to transfer this action to the United States Court of Appeals, Fifth Circuit, for further proceedings, and that a copy of this order be mailed to the petitioner.

(Doc. 10 at 4-5) (emphasis in original). The time for objecting to that recommendation has expired, and no objections have been filed.

Having reviewed all of the materials in the Court file, including the Report and

Recommendation, the Court is of the opinion that the magistrate's recommendation ought to be, and hereby is, **ADOPTED** and **ACCEPTED** as the opinion of this Court. It is hereby **ORDERED, ADJUDGED, and DECREED** as follows:

1. This action is hereby re-characterized as a request for leave to file a successive petition brought pursuant to 28 U.S.C. § 2255. The Clerk of Court shall note the re-characterization.
2. The Clerk of Court is **ORDERED** to transfer this action to the United States Court of Appeals, Fifth Circuit, for further proceedings.
3. The Clerk of Court shall mail a copy of this Order to the Petitioner.

DONE and ORDERED this 30th day of June, 2016.



VIRGINIA EMERSON HOPKINS
United States District Judge